

# **6 FAH-2 H-140**

## **ROLES AND RESPONSIBILITIES IN THE CONTRACTING PROCESS**

(TL: CORH-1; 08-21-1997)

### **6 FAH-2 H-141 RESPONSIBILITIES OF THE CONTRACTING OFFICER**

(TL: CORH-1; 08-21-1997)  
(State Only)

a. The Contracting Officer is the U.S. Government's authorized agent for dealing with contractors and has sole authority to solicit proposals, negotiate, award, and modify contracts on behalf of the U.S. Government. The Contracting Officer performs duties at the request of the requirements office and relies on the requirements office for technical advice concerning the supplies or services being acquired.

b. The Contracting Officer is responsible for the following functions:

- (1) Determining the method of acquisition and the type of contract to be used;
- (2) Preparing any required "Determination(s) and Findings" and ensuring that any necessary FAR deviations and exemptions have been obtained;
- (3) Establishing the contract terms, conditions, and general provisions, including the methods of pricing, paying, and financing;
- (4) Appointing the Contracting Officer's Representative (COR), who will have limited authority to act for the Contracting Officer;
- (5) Appointing individuals to participate on the Technical Evaluation Panel;
- (6) Issuing the solicitation, including the review and approval from A/OPE if required (overseas only); advertising in the *Commerce Business Daily (CBD)*, if required, and/or local advertising; and developing the solicitation mailing list;
- (7) Conducting contract negotiations, with the assistance of technical experts, if necessary;
- (8) Executing (signing) the contract on behalf of the U.S. Government;
- (9) Conducting debriefings of unsuccessful offerors;
- (10) Administering the contract, including the execution of contract modifications and other changes;
- (11) Closing out or terminating contracts; and
- (12) Rendering final decisions regarding protests, claims, and disputes.

# **6 FAH-2 H-142 RESPONSIBILITIES OF THE CONTRACTING OFFICER'S REPRESENTATIVE (COR)**

*(TL: CORH-1; 08-21-1997)*  
*(State Only)*

a. While it is ideal for the COR to be named as soon as a requirement is initiated and be involved in the solicitation as well as the administration of the contract after award, it is recognized that this is not always possible. The functions listed below are performed by someone in the requirements office, whether it is the COR or not. For administrative convenience, all functions listed will be referred to as COR functions.

b. The COR is responsible for the following functions:

(1) Defining project requirements and developing a Statement of Work (SOW) or specifications;

(2) Initiating, developing, and transmitting a complete Procurement Request Package (PRP) to the contracting office, with all required administrative approvals;

(3) Obtaining certification of the availability of sufficient funds from the proper appropriation and compiling any other required financial data;

(4) Obtaining appropriate justification for other than full and open competitive acquisitions, if necessary;

(5) If serving as Chairperson of the Technical Evaluation Panel, participating in and directing the evaluation of the technical proposals for negotiated procurement and providing recommendations to the Contracting Officer;

(6) Assisting the Contracting Officer during discussions/negotiations;

(7) Monitoring the contractor's technical progress and the expenditures of resources relating to the contract;

(8) Performing inspection and accepting the work on behalf of the U.S. Government;

(9) Informing the Contracting Officer, in writing, of any performance or schedule failure by the contractor;

(10) Resolving technical issues arising under the contract which fall within the scope of the COR's authority, and referring to the Contracting Officer any issues which cannot be resolved without additional cost or time;

(11) Informing the Contracting Officer, in writing, of any needed changes in the Statement of Work;

(12) Ensuring that the U.S. Government meets its contractual obligations to the contractor, e.g., providing Government furnished equipment and services and timely Government review and approval of documents if such reviews are required by the contract;

(13) Reporting costs being incurred which are not appropriately chargeable to the contract (cost-type contracts only);

(14) Maintaining a COR file;

(15) Verifying contractor statements regarding the development of patentable inventions, if required under the contract; and

(16) Assisting in contract closeout by informing the Contracting Officer when the work has been completed and by forwarding contract administration records to the Contracting Officer.

## **6 FAH-2 H-143 Designating a COR**

*(TL: CORH-1; 08-21-1997)*

*(State Only)*

In accordance with DOSAR 642.270, the Contracting Officer designates the COR to act as his or her authorized representative to assist in the administration of the contract. A COR must be a Department of State employee, unless alternative procedures (e.g., allowing personal services contractors to serve as CORs) have been approved by the Office of the Procurement Executive.

## **6 FAH-2 H-143.1 Training Requirements**

*(TL:CORH-1; 08-21-1997)*

*(State Only)*

a. Domestic CORs:

(1) A COR appointed by domestic contracting activity must have completed an FSI-approved COR training course. Approved courses are:

- (a) COR Training (3 days);
- (b) COR Training (5 days);
- (c) COR Update Training (1 day); and
- (d) How to be a COR (correspondence course).

(2) If FSI training courses are unavailable, training may be obtained from other U.S. Government or commercial sources; however, the course must be 40 hours in length and cover at least the basic duties. Every five (5) years thereafter, the COR must complete an additional FSI-approved course or other 40-hour course in order to maintain a current base of knowledge. A COR shall also complete the 1-day refresher course in the intervening period; this course is offered by FSI.

(3) FSI is the preferred source of COR training, and inquiries regarding COR training should be directed to FSI. Funding may not be available for a sufficient number of courses, so CORs may have to obtain training from a commercial source or other Federal agencies. A list of such sources is included as 6 FAH-2 Exhibit H-143 .

(4) Department employees who are already serving as CORs need not complete the required training if, in the judgment of the Contracting Officer, their performance as a COR is acceptable. If the Contracting Officer considers a current COR's performance to be in need of improvement, the COR may be required to complete the required training within one year as a condition of continuing to serve as a COR. Department employees may substitute one or more years of experience for the initial training requirement if approved by the Contracting Officer based on the adequacy of the experience.

(5) Appointment of a COR is entirely within the discretion of the Contracting Officer. A COR's training and relevant qualifications and/or experience do not guarantee that he or she will be appointed.

b. Training requirements for CORs abroad. COR training is not mandatory for CORs assigned abroad; however, it is highly recommended.

## **6 FAH-2 H-143.2 Appointment Procedures**

*(TL: CORH-1; 08-21-1997)*

*(State Only)*

Specific appointment procedures are as follows:

(1) A COR is nominated by the requirements office, using the COR nomination form ( 6 FAH-2 H-143 Exhibit H-143.2A ). The COR nomination form should be completed and included in the procurement request package, unless the COR will be nominated at a later date.

(2) If approved by the Contracting Officer, the COR is appointed using Form DS-1924, Certificate of Appointment ( 6 FAH-2 H-143 Exhibit H-143.2B ). In addition, the Contracting Officer prepares an accompanying delegation memorandum which outlines the scope of the COR's authority, including duties, responsibilities, and prohibitions. (See 6 FAH-2 H-143 Exhibit H-143.2C for a sample generic designation memorandum.) The Contracting Officer shall ensure that the contractor receives a copy of the memorandum.

(3) If the COR is replaced during the term of the contract, the Contracting Officer prepares an appointment memorandum for the replacement COR and ensures that the contractor receives a copy.

## **6 FAH-2 H-143.3 Appointment Ceremony**

*(TL: CORH-1; 08-21-1997)*  
*(State Only)*

For the initial appointment of a COR, the Contracting Officer may convene a post-award orientation conference attended by the COR, the contractor, and the Contracting Officer. At the conference, the Contracting Officer should provide the COR with the signed Form DS-1924 and delegation memorandum. The memorandum should be signed as acknowledged by the COR and countersigned by the contractor to commemorate the mutual understanding of the COR's authority.

## **6 FAH-2 H-143.4 Replacement or Revocation**

*(TL: CORH-1; 08-21-1997)*  
*(State Only)*

If a COR must be replaced, the requirements office must submit a request for approval of COR replacement ( 6 FAH-2 H-143 Exhibit H-143.4 ). Any COR appointment may be revoked by the Contracting Officer for failure to adhere to the conditions of the COR's appointment. Such revocation shall be in writing, documenting the basis for the action being taken, with a copy sent to one level above the COR and a copy kept in the official contract file.

## **6 FAH-2 H-144 LIMITATIONS ON COR AUTHORITY**

*(TL: CORH-1; 08-21-1997)*  
*(State Only)*

The COR is **not** authorized to direct the contractor to undertake any activity which will change the:

- Total price or estimated cost;
- Products or deliverables;
- Statement of Work;
- Delivery dates;
- Total period of performance; or
- Administrative provisions of the contract.

Only the Contracting Officer may accomplish these actions.

## **6 FAH-2 H-145 THE TEAM APPROACH**

*(TL: CORH-1; 08-21-1997)*

*(State Only)*

Cooperation between acquisition and requirements office personnel is essential to anticipate upcoming requirements, allow sufficient lead times, consider various methods of getting what is needed, and otherwise increase the efficiency of the acquisition process. A "team" approach, in which acquisition personnel support requirements office personnel by contracting for program needs in accordance with laws and regulations, and requirements office personnel support acquisition personnel by assuming an active role in the acquisition process, is necessary for effective implementation, execution and accomplishment of a contracting program. A high degree of cooperation between team members is essential, especially between the COR, who represents the requirements office, and the Contracting Officer, who is delegated contractual signature authority. These two persons are the most directly involved in the placement and administration of a contract by the U.S. Government. The separation of the technical and contractual activities and responsibilities permits each member of the team to apply his or her expertise effectively to their areas of activity. Other members of the team may include the Office of the Legal Advisor (L), the Office of Inspector General (OIG), the Bureau of Finance and Management Policy (FMP), and the Office of the Procurement Executive (A/OPE).

# **6 FAH-2 H-143 Exhibit H-143.1**

## **NON-FSI SOURCES FOR COR TRAINING**

*(TL: CORH-1; 08-21-1997)*

GSA Interagency Training Center.....(703) 557-0986

Management Concepts, Inc. ....(703) 790-9595

USDA Graduate School.....(202) 447-7124

Educational Services Institute .....(703) 578-8800

George Mason University/The Federal Market Group .....(703) 847-0817

Negotiations International .....(301) 585-1841

National Defense University, IRM College.....(202) 433-2011

Houseman & Associates.....(703) 690-4105

U.S. Army Logistics Management College .....(804) 734-4220

George Washington University/  
Government Contracts Program .....(202) 223-2770



# 6 FAH-2 H-143 Exhibit H-143.2A COR NOMINATION FORMAT

(TL: CORH-1; 08-21-1997)

## MEMORANDUM

TO: [Contracting Officer]

FROM: [Insert name—one level above prospective COR]

SUBJECT: COR Nomination

I hereby nominate [insert name] as COR for [describe contract]. This request is based on the employee's completion of the following training and experience:

### (1) TRAINING QUALIFICATIONS

Course Title	Date Completed
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[List as appropriate]

### (2) TECHNICAL QUALIFICATIONS/EXPERIENCE

Office	Dates	Types of Work Performed or Contracts Administered
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[List as appropriate]

### (3) OTHER CONSIDERATIONS

[List as appropriate]

**6 FAH-2 H-143 Exhibit H-143.2B**  
**DS-1924, CERTIFICATE OF APPOINTMENT**

(TL: CORH-1; 08-21-1997)



**United States Department of State**

**CERTIFICATE OF APPOINTMENT**

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is hereby appointed  
a Contracting Officer's Representative (COR)  
for the U.S. Department of State  
pursuant to the authority of the undersigned  
and the Department of State Acquisition Regulation  
for contract number(s) \_\_\_\_\_.

This appointment is conditioned on compliance  
with the training requirements mandated  
by the Procurement Executive  
and expires at the conclusion  
of the contract(s).

Contracting Officer

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Date

# 6 FAH-2 H-143 Exhibit H-143.2C

## SAMPLE COR DESIGNATION MEMORANDUM

(TL: CORH-1; 08-21-1997)

### MEMORANDUM

TO: [Contracting Officer's Representative]

FROM: [Contracting Officer]

SUBJECT: Delegation of Authority Under Contract No. [insert number]

Pursuant to the authority granted to me as a Contracting Officer under the Federal Acquisition Regulation (FAR), you are hereby designated the Contracting Officer's Representative with respect to technical matters within the scope of Contract Number [insert number] which has been issued to [contractor].

Please note that this delegation does not include the right to

- (1) Modify or alter the contract or any of its terms and conditions;
- (2) Waive the U.S. Government's rights with regard to the Contractor's compliance with the specifications, price, delivery, or any other terms or conditions; or
- (3) Approve any actions, which would result in additional charges to the U.S. Government. The Contracting Officer must make all such actions in writing.

This delegation authorizes you to perform the tasks listed below to the extent required by the terms of the contract.

- (1) Coordinate with the contractor on all technical matters, which may arise in the administration of this contract.
- (2) Give procedural clarification as to the meaning of the specifications including inspection, testing and acceptance procedures.
- (3) Monitor and inspect the Contractor's progress and performance to assure compliance with the contract terms and conditions.
- (4) Receive deliverables (supplies, services, and/or reports) on behalf of the U.S. Government.
- (5) Verify satisfactory delivery of contract items and prepare receiving reports and/or approve invoices for payment.

## Continuation — 6 FAH-2 H-143 Exhibit H-143.2C

(6) If progress payments are approved under this contract, verify efficient and satisfactory performance of work by the Contractor and authorize progress payments.

(7) If this contract contains a warranty or maintenance clause, notify the Contracting Officer and Contractor of any deficiencies in workmanship or materials immediately and monitor response and repair times as stipulated in the contract.

In exercise of this authority as Contracting Officer's Representative, you are responsible for:

(1) Performing the specific duties assigned herein.

a. With regard to monitoring and inspecting the Contractor's progress and performance, you must promptly notify the Contracting Officer in writing of any noncompliance or deviation in performance or failure to make progress.

b. With regard to preparing receiving reports and/or approving invoices for payment, you must execute these documents promptly and transmit them to the designated payments office within five calendar days. Delays in processing receiving reports and/or invoices may cause late payment by the U.S. Government and the incurrence of interest charges.

(2) Maintaining constant cognizance with respect to technical compliance with contract terms on the part of the Contractor.

(3) Knowing and understanding the terms and provisions of the contract.

(4) Knowing the scope and limitations of your authority.

(5) Using good judgment, skill and reasonable care in the exercise of your authority.

(6) Protecting privileged and sensitive procurement information.

(7) If appropriate, periodically visiting the Contractor's plant to check on the following aspects and informing the Contracting Officer of your findings through submission of a trip report prepared in accordance with your office's internal procedures:

a. Actual performance versus scheduled performance.

b. Action needed, if any, to restore contract schedule.

## Continuation — 6 FAH-2 H-143 Exhibit H-143.2C

(8) If applicable, implementing the Government Furnished Property (GFP) provisions of the contract. COR responsibilities with regard to GFP include:

- a. Preparing itemized list of GFP showing serial numbers, if any, and approximate value of each item;
- b. Providing the Contracting Officer with the GFP list and Contractor receipts for GFP;
- c. Ensuring that delivery of the GFP to the Contractor is made in accordance with the contract; and
- d. Inspecting each unit of GFP upon its return from the Contractor and notifying the Contracting Officer of such return and/or any deficiencies.

(9) Performing all acceptance tests required by the contract in accordance with the time limitation stated therein. The results of the acceptance tests must be forwarded to the Contracting Officer.

(10) Upon completion of the contract, preparing a statement of satisfactory performance or a statement of any deviations, shortages or deficiencies. In addition to this written statement, the COR must submit a completed form DS 1771 -Contractor Evaluation Statement (attached) to the Contracting Officer.

If you believe the delivered supplies or services should be rejected, the Contracting Officer should be notified immediately and you should follow up in writing with a brief memorandum documenting the reasons for rejection.

If questions arise which are not clearly answered in the contract (including the specifications) or if disputes with the Contractor occur, a written report to the Contracting Officer shall be prepared setting forth the problem encountered.

This delegation of authority is limited to the referenced contract and is not subject to redelegation by you. The delegation may be terminated at any time by written notice from the Contracting Officer if you are transferred from your present position or are prevented from continuing as COR for the referenced contract.

Receipt Acknowledged: \_\_\_\_\_

Date: \_\_\_\_\_

Attachments:

- (1) Contract Number *[insert contract number]*

## **Continuation — 6 FAH-2 H-143 Exhibit H-143.2C**

(2) DS 1771

Please execute and return the original for the contract file, retaining one copy for your file.

(1) Contractor

(2) Finance Office

(3) Contract File

# 6 FAH-2 H-143 Exhibit H-143.4 COR REPLACEMENT FORMAT

(TL: CORH-1; 08-21-1997)

## MEMORANDUM

TO: [Contracting Officer]

FROM: [Insert name—one level above prospective COR]

SUBJECT: COR Replacement

I hereby request that [insert name of original COR] be replaced with [insert name of replacement COR] as COR for contract number [insert contract number] with [insert name of contractor] due to the following reason(s):

- ☐ Current COR no longer works in this office.
- ☐ Workload changes have resulted in assignment of current COR to other work.
- ☐ Other (describe):

The proposed replacement COR's training and qualifications are listed below:

### (1) TRAINING QUALIFICATIONS

Course Title	Date Completed
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[List as appropriate]

### (2) TECHNICAL QUALIFICATIONS/EXPERIENCE

Office Dates	Types of Work Performed or Contracts Administered
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[List as appropriate]

### (3) OTHER CONSIDERATIONS

[List as appropriate]